

CHAPTER XLVIII.

An Act for the protection of sheep, dogs and other domestic animals.

March 3, 1865.

- SECTION 1. Duty of owners of dogs—license fee.
2. Who to issue license—what to contain—disposition of money received.
 3. Clerk to post list of all licensed dogs.
 4. Owners of dogs may have them licensed at any time.
 5. Penalty for keeping a dog contrary to the provisions of this chapter.
 6. Penalty for wrongfully removing the collar, killing, maiming, enticng or carrying away any licensed dog.
 7. Fees for killing all dogs not licensed.
 8. When a person may kill any dog.
 9. Damages for killing sheep by dogs, how recovered.
 10. Duty of Mayor, Aldermen and Supervisors.
 11. Fines, penalties and judgments, how recovered.
 12. Disposition of funds accumulated under provisions of this act.
 13. Repeal of former acts.
 14. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Every owner or keeper of a dog shall annually on or before the thirtieth day of April of each year, cause it to be registered, numbered, described and licensed for one year from the first day of the ensuing May, in the office of the clerk of the city or town wherein he resides, and in counties where there is no township organization, in the office of the county auditor, and shall cause it to wear around its neck a collar distinctly marked with its owner's name and registered number, and shall pay for such license one dollar for a male dog, and two dollars for a female dog, over the age of six months, and also the further sum of twenty-five cents as fees for said clerk.

Duty of owners of dogs—license fee.

SEC. 2. The clerk shall issue the license and record in a book provided by the city or town and kept for that purpose,

The name of the owner or keeper of said dog ;
 The name and description of said dog ;
 The registered number of said dog ;
 The time when such license will expire ; and also
 The date of the issue of said license, and the license

Who to issue license—what to contain—disposition of money received.

shall in all essential respects agree with said record, and shall be signed by said clerk. Said clerk shall receive the money therefor and pay the same into the county treasury, on or before the tenth day of May of each year, retaining to his own use twenty-five cents as his fee for issuing said license. The clerk may also retain out of the moneys received for licenses, a sum not exceeding ten dollars to purchase a suitable book of records and blanks for the use of any city or town not supplied with the same. The county treasurer shall keep an accurate and separate account with each town or city in his county, of all sums received and expended under the provisions of this chapter, which account shall at all times be open to the inspection of any voter of the county.

Clerk to post list of all dogs licensed.

SEC. 3. The town or city clerk shall within one week after the first day of May and August of each year, post in some conspicuous public place a list of all dogs licensed for the current year, and shall at the same time furnish a copy thereof to the chief of police of the city and the constables of the town.

May be licensed at any time.

SEC. 4. Any owner of any dog may at any time have it licensed until the first day of the ensuing May, upon paying the sum as provided in section one of this act, but such license shall not exempt him from the penalties of the following sections on complaint made prior to the issuing of the license. But no new license for the current year shall be necessary upon the removal of a licensed dog into another city or town.

Penalty for keeping dog contrary to provisions of this act.

SEC. 5. Whoever keeps a dog contrary to the provisions of this chapter, shall forfeit ten dollars, to be recovered by complaint, for the use of the person making the complaint.

Penalty for wrongfully removing collar or carrying away a licensed dog.

SEC. 6. Whoever wrongfully removes the collar from or steals a dog licensed and collared as aforesaid, shall be punished by a fine not exceeding fifty dollars; and whoever wrongfully kills, maims, entices or carries away any such dog, shall be liable to its owner for double the value of said dog, and whoever distributes or exposes any poisonous substance, with the intent that the same be eaten by any such dog, shall be punished by a fine not exceeding fifty dollars, nor less than ten dollars.

SEC. 7. Any person may, and every police officer or constable shall kill, or cause to be destroyed, all dogs going at large, and not licensed and collared, according to the provisions of this chapter. And the city council of any city, and the board of supervisors of any town, may at any time appoint one or more persons other than police officers or constables in any town or city, to kill, or cause to be killed, all dogs going at large, and not licensed or collared, according to the provisions of this chapter, and such appointed persons and officers, when not otherwise paid for their services, shall receive from the county treasury the sum of fifty cents for each dog so killed or destroyed, upon the presentation of his claim for such services, duly certified by the clerk of said city or town to the county auditor, who shall thereupon draw an order in favor of such person upon the treasurer of the county, and the treasurer shall pay the same out of any money which may have accumulated under the provisions of this act.

Fees for killing
dog not licensed.

SEC. 8. Any person may kill any dog that shall suddenly assault him while he is peaceably without the enclosure of its owner or keeper, and any person may kill any dog that is found out of the enclosure or immediate care of its owner or keeper, worrying, wounding or killing any sheep, lambs, or other domestic animal.

When a person
may kill any dog.

SEC. 9. Any person suffering loss by reason of the worrying, maiming or killing of his sheep, lambs or other domestic animals by a dog or dogs, not his or her own, may within four days after he has become cognizant of such loss, call upon the fence viewers of the town wherein such loss was sustained, to appraise, upon examination and proof, the amount of loss and damage he has sustained by reason of such worrying, maiming or killing, and upon his presenting within thirty days from the date of said appraisal, the amount of said appraisal duly certified by said fence viewers, or a majority of them, to the auditor of the county, wherein the damage was done, the said auditor shall draw an order in favor of such person upon the treasurer of the county for the amount of such loss and appraisal, and also an order on said treasurer for the sum of two dollars in

Damage for killing
sheep how recover-
ed.

favor of each fence viewer certifying to said appraisal, for his fees in attending to said appraisal, and the treasurer shall pay the same out of any money which may have accumulated under the provisions of this act. *Provided*, That the treasurer of any county shall at the time of the presentation of any such order find an amount of not less than ten dollars credited for the current year, under the provisions of this act, to the town wherein said person suffering loss resides. After such order has been drawn, the city or town or any resident of the county may sue on complaint before any justice of the peace of the proper county, or district judge of the proper district, and recover against the owner or keeper of the dog or dogs concerned in doing such damage, the full amount thereof, together with the costs of suit. *Provided further*, That no person shall be entitled to compensation for damages done to his sheep, lambs or other domestic animals, while running at large, contrary to town regulations concerning the same.

Duty of Mayor,
Aldermen and Su-
pervisors.

SEC. 10. The mayor and aldermen of each city, and the supervisors of each town, shall require all dogs not licensed and collared according to the foregoing provisions of this act, to be destroyed, and shall enforce all penalties herein provided. Any officer refusing or neglecting to perform any duty herein imposed upon him, shall be punished by a fine not exceeding twenty-five dollars, to be paid into the county treasury, to be credited by the county treasurer to the proper town or city with the other moneys accumulated under the provisions of this act.

Fines, &c., how re-
covered.

SEC. 11. All fines, penalties and judgments provided for in this act may be recovered on complaint of any resident of the county, before any justice of the peace of the county, or district judge of the district where the offense was committed. And it shall also be the duty of the county attorney of each county, when applied to, to prosecute and recover all fines, penalties and judgments against any officer for refusing or neglecting to perform any duty imposed upon him by this act.

SEC. 12. All moneys remaining unexpended in the county treasury on the thirtieth day of April of each

year, accumulated under the provisions of this act, shall be paid to the town or city treasurer of each town or city in proportion to the amount paid in, to be applied to the use of highways and bridges of said town or city. Disposition of fund accumulating.

SEC. 13. Chapter fifty-three of session laws of eighteen hundred and sixty, entitled "An act for the protection of sheep," and chapter eight of the session laws of eighteen hundred and sixty-two, an act entitled "An act to protect the wool-growing interests of the State by levying a tax on dogs," and chapter fifteen of the session laws of eighteen hundred and sixty-three, an act entitled "An act to license dogs, and for the protection of sheep," together with all other acts or parts of acts not in conformity with this act, are hereby repealed. Repeal of former act.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.

CHAPTER XLIX.

An Act to amend sections seven and eleven of chapter thirteen of General Laws of Minnesota, for the year eighteen hundred and sixty-three, relating to estrays.

March 2, 1865.

- SECTION 1. Duty of Town Clerk when estray exceeds the value of ten dollars—fees of Town Clerk.
2. When estrays may be sold at public auction.
 3. Penalty for person taking estray for non-compliance with provisions of this act; also for Town Clerks or Register of Deeds.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section seven of general laws of